

REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended for clarity.

The Examiner has rejected claims 1, 4-8 and 13 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,870,523 to Kikuchi et al. The Examiner has further rejected claims 2, 3, 10 and 11 under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. In addition, the Examiner has rejected claims 9 and 12 under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. in view of U.S. Patent 6,396,998 to Nozaki et al.

The Kikuchi et al. patent discloses a recording medium on which a data containing navigation data is recorded, a method and apparatus for reproducing a data according to navigation data, a method and apparatus recording a data containing navigation data on a recording.

As noted in MPEP §2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of

terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Claim 1 states "A method for creating a transfer file enabling transferring of a portion of data in a data stream processed for recording on a DVD, to a device for recording data, the file comprising an information block comprising information on a data block and the data block comprising a navigation field and the navigation field comprising a Relative Logical Block Number of the navigation field, the method comprising the steps of:

receiving a data stream having been previously processed for recording on a DVD;

selecting at least one data block and an associated information block in said data stream; and

creating a transfer file by appending a copy of the selected at least one data block to a copy of the information block,

characterized in that said method further comprises the step of:

recalculating, in the transfer file, the Relative Logical Block Number of each navigation field in the copy of the selected at least one data block relative to a first Logical Block Number of the copy of the selected at least one data block.

The Examiner has indicated:

"Kikuchi et al. (hereinafter Kikuchi) anticipates method for creating a transfer file, the file comprising an information block comprising information on a data block and the data block (see figure4) comprising a navigation field and the navigation field

comprising a Relative Logical Block Number of the navigation field, the method comprising the steps of creating a transfer file by appending the data block to the information block characterized in that in the transfer file the Relative Logical Block Number of each navigation field in the data block is recalculated relative to a first Logical Block Number of the data block (see figure6 block 86; figure25-28 and 31-32)."

Applicant submits that the Examiner is mistaken. In particular, figure 4 of Kikuchi et al. does not disclose the creation of a transfer file. Rather, as noted in Kikuchi et al. at col. 5, lines 24-25, "FIG. 4 shows the structure of the logic format of the optical disk of FIG. 3". Hence, Fig. 4 merely shows how data is organized on the optical disk. There is no disclosure of "creating a transfer file enabling transferring of a portion of data in a data stream processed for recording on a DVD, to a device for recording data, the file comprising an information block comprising information on a data block and the data block comprising a navigation field and the navigation field comprising a Relative Logical Block Number of the navigation field".

Further, in Fig. 6, block 86 is merely identified as "NAV pack", while Figs. 25-28, 31 and 32 merely show the contents of the navigation pack as recorded on the DVD.

Applicant submits, however, that there is no disclosure or suggestion of taking a data block from the data on the DVD, forming a transfer file of this data block, and "recalculating, in the transfer file, the Relative Logical Block Number of each navigation field in the copy of the selected at least one data block relative

to a first Logical Block Number of the copy of the selected at least one data block".

The Nozaki et al. patent discloses a DVD recording/reproducing apparatus having a high-speed copying capability, in which image data is appended to the end of data already recorded on the DVD, and a management block is updated to include information on the appended image data. However, Applicant submits that Nozaki et al. does not supply that which is missing from Kikuchi et al., i.e., there is no disclosure or suggestion of taking a data block from the data on the DVD, forming a transfer file of this data block, and "recalculating, in the transfer file, the Relative Logical Block Number of each navigation field in the copy of the selected at least one data block relative to a first Logical Block Number of the copy of the selected at least one data block".

In view of the above, Applicant believes that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicant believes that this application, containing claims 1-13, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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